

REMARKS

Claim 2 has been amended to recite “[a]n organosilicone compound according to claim 1 which is a linear diorgano-siloxane polymer comprising one structural unit of formula IVa and one structural unit of formula IVb... s units of formula IVc... and r units of formula IVd.” Support is found in the specification, especially page 1, line 5 through page 4, to the 5th line from the bottom (citing published application WO03/086340). No new matter has been added by the amendments.

Claim 7 has been canceled without prejudice.

Claims 1-6 are pending.

Applicants acknowledge and thank the Examiner for indicating the allowability of claims 1 and 3-6.

Rejection Under 35 USC §§ 112, 101

Claim 7 was rejected under 35 USC §§ 112/101 since the claim is directed to a use, but it “does not set forth any steps involved in the method/process.” (Paper No. 20070627 at 2). Applicants have cancelled claim 7. The rejection has been rendered moot by the claim cancellation. Withdrawal of the rejection is hereby requested.

Objection to Form of Claim 2

Claim 2 was objected to as being of improper dependent form. (Id.) The Examiner asserted that “[c]laim 2 is broader than claim 1 which is directed to novel organosilicon compounds. Claim 2 is directed to linear diorgano-siloxane polymers comprising four possible different claimed units.” (Id.)

Applicants respectfully submit that claim 2 as amended is in proper dependent format under 37 CFR § 1.75, as it refers back to and further limits the subject matter of claim 1. Applicants have amended the preamble of claim 2 to refer to the subject matter of claim 1 in reciting ***[a]n organosilicone compound according to claim 1 which is*** a linear diorgano-siloxane polymer comprising one structural unit of formula IVa and one structural unit of formula IVb, s units of formula IVc and r units of formula IVd.

Applicants disagree with the Examiner's assertion that claim 2, whether referring to original claim 2 or claim 2 as amended here, is broader than claim 1. Applicants note that claim 1 upon which claim 2 depends recites the transitional phrase "comprising". As stated in the Manual of Patenting Procedure § 2111.03, "[t]he transitional term 'comprising' ... is inclusive or open-ended and does not exclude additional, unrecited elements..." It is noted that claim 1 is open-ended given the use of the transitional phrase "comprising" in reciting "[a]n organosilicone compound comprising a unit of formula I... and, optionally, a unit of formula II..." Dependent claim 2 can therefore properly recite elements that are not recited in claim 1. Contrary to the Examiner's assertion, additionally recited subject matter in claim 2 provides further limitation to rather than broadening of coverage as compared to claim 1.

As is evident to one of ordinary skill in the art, formulas IVb and IVc of claim 2 are units of formula I as recited in claim 1. Formula IVd of claim 2 is a unit of formula II as in claim 1. Claim 1 recites that formula II is optional, i.e., present or not present. In dependent claim 2, it is apparent that a unit of formula II is present as formula IVd. One skilled in the art would also be aware that the inclusion of one

structural unit of formula IVa and one structural unit of formula IVb constitutes the end groups of the polymer. See the specification at page 4, line 5 to 5th line from the bottom.

As amended claim 2 does not cover any subject matter not encompassed by claim 1, Applicants respectfully submit that the objection cannot stand. Reconsideration and withdrawal of the objection are respectfully requested.

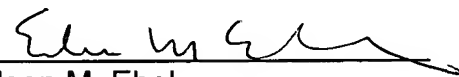
It is submitted that the application is in condition for allowance. Issuance of Notice of Allowance is requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 17, 2007.



Eileen M. Ebel, Reg. No. 37,316

Respectfully submitted,

By: 

Eileen M. Ebel
Registration No. 37,316
BRYAN CAVE LLP
1290 Avenue of the Americas
33rd Floor
New York, NY 10104-3300
Phone: (212) 541-2000
Fax: (212) 541-4630